



September 8, 2006

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager  
Department of Land Use and Transportation

Subject: **PROPOSED ORDINANCE NO. 676**

Enclosed for your information is a copy of proposed Ordinance No. 676. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

**Ordinance Purpose and Summary**

Ordinance No. 676 makes conforming amendments to the Community Development Code Element of the Comprehensive Plan relating to land use legislation adopted in 2005. The amendments add clarifying language related to uses allowed in an exclusive farm use zone (EFU and AF-20), and adds language to the special use standards for manufactured dwelling parks that would allow recreational vehicles to be used as residences if certain conditions are met.

**Who Is Affected**

Residents in rural and urban unincorporated areas of Washington County are potentially affected.

**What Land is Affected**

Urban unincorporated land (outside city limits) and land outside the Urban Growth Boundary (UGB).

**Key Provisions**

- Amends Sections 340 (Exclusive Farm Use) and 344 (Agriculture and Forestry) of the *Community Development Code* to add clarifying language related to uses allowed in an exclusive farm use zone.
- Amends Section 430-77 (SPECIAL USE STANDARDS for Manufactured Dwelling Parks) of the *Community Development Code* to add language to the special use standards for manufactured dwelling parks that would allow recreational vehicles to be used as residences if certain conditions are met.

**Initial Public Hearings**

**Time and Place**

**Planning Commission**  
**7:30 pm**  
**October 18, 2006**

**Board of County Commissioners**  
**6:30 pm**  
**October 24, 2006**

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On October 24, 2006, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 23, 2006.

**Community  
Development Code  
Standards Amended**

- Section 340, Exclusive Farm Use District (EFU)
- Section 344, Agriculture and Forest District (AF-20)
- Section 430-77 SPECIAL USE STANDARDS for Manufactured Dwelling Parks

**How to Submit  
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **At this time, we are unable to accept e-mail as public testimony.**

Washington County, Planning Division  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

**Staff Contact**

Aisha Willits, Senior Planner  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3961 Fax: 503-846-4412  
e-mail: aisha\_willits@co.washington.or.us

**Proposed Ordinance is  
available at the  
following locations:**

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1<sup>st</sup> Ave., Hillsboro, OR 97124-3072  
Telephone: 503-846-3519
- [www.co.washington.or.us/deptmts/lut/planning/ordhome.htm](http://www.co.washington.or.us/deptmts/lut/planning/ordhome.htm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

/wpshare/2006ord/Ord676/Notices & Affidavits/676 CPO Notice.doc

1                                   BEFORE THE BOARD OF COUNTY COMMISSIONERS  
2                                   FOR WASHINGTON COUNTY, OREGON

3  
4   ORDINANCE NO. 676  
5

An Ordinance Amending the Community  
Development Code Element of the  
Comprehensive Plan Relating to the  
Implementation of 2005 Legislative  
Changes

6  
7           The Board of County Commissioners of Washington County, Oregon, ordains:

8   SECTION 1

9           A.     The Board of County Commissioners of Washington County, Oregon,  
10   recognizes that the Community Development Code (“CDC”) element of the  
11   Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986,  
12   by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos.  
13   321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407,  
14   412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457,  
15   462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529,  
16   538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605,  
17   607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649,  
18   654, 660, and 661.

19           B.     Subsequent ongoing planning efforts of the County indicate a need for  
20   changes to the CDC element of the Comprehensive Plan in order to implement the 2005  
21   legislative changes. The Board takes note that such changes are necessary to assure

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1 consistency with state law and are for the benefit of the residents of Washington County,  
2 Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the Land  
4 Use Ordinance Advisory Commission has carried out its responsibilities, including  
5 preparation of notices, and the County Planning Commission has conducted one or more  
6 public hearings on the proposed amendments and has submitted its recommendations to  
7 the Board. The Board finds that this Ordinance is based on those recommendations and  
8 any modifications made by the Board, as a result of the public hearings process.

9 D. The Board finds and takes public notice that it is in receipt of all matters and  
10 information necessary to consider this Ordinance in an adequate manner, and that this  
11 Ordinance complies with the Statewide Planning Goals, and the standards for legislative plan  
12 adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington  
13 County Charter, and the Washington County Community Development Code.

14 SECTION 2

15 The following exhibits, attached hereto and incorporated herein by reference, are  
16 adopted and made applicable to the designated documents as provided below:

- 17 (A) Exhibit 1 (2 pages) – Amending CDC Section 340, EXCLUSIVE FARM  
18 USE DISTRICT (EFU);
- 19 (B) Exhibit 2 (2 pages) – Amending CDC Section 344, AGRICULTURE AND  
20 FOREST DISTRICT (AF-20); and
- 21 (C) Exhibit 3 (2 pages) – Amending CDC Section 430-77, SPECIAL USE  
22 STANDARDS for Manufacturing Dwelling Parks.

1     SECTION 3

2             All other Comprehensive Plan provisions that have been adopted by prior  
3 ordinance, which are not expressly amended or repealed herein, shall remain in full force  
4 and effect.

5     SECTION 4

6             All applications received prior to the effective date shall be processed in accordance  
7 with ORS 215.427 (2005 Edition).

8     SECTION 5

9             If any portion of this Ordinance, including the exhibits, shall for any reason be held  
10 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be  
11 affected thereby and shall remain in full force and effect, and any provision of a prior land  
12 use ordinance amended or repealed by the stricken portion of this Ordinance shall be revived  
13 and again be considered in full force and effect.

14     SECTION 6

15             The Office of County Counsel and Department of Land Use and Transportation are  
16 authorized to prepare planning documents to reflect the changes adopted under Section 2  
17 of this Ordinance, including deleting and adding textual material and maps, renumbering  
18 pages or sections, and making any technical changes not affecting the substance of these  
19 amendments as necessary to conform to the Washington County Comprehensive Plan  
20 format.

21     ////

22     ////

1 SECTION 7

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 24th day of October, 2006, being the 1st reading  
4 and 1st public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 John Leeper for  
CHAIRMAN

10 Barbara Hejtmanek  
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First October 24, 2006

October 24, 2006

13 Second \_\_\_\_\_

\_\_\_\_\_

14 Third \_\_\_\_\_

\_\_\_\_\_

15 Fourth \_\_\_\_\_

\_\_\_\_\_

16 Fifth \_\_\_\_\_

\_\_\_\_\_

17 Sixth \_\_\_\_\_

\_\_\_\_\_

18 VOTE: Aye: Brian, Leeper, Schouten

Nay: \_\_\_\_\_

19 Recording Secretary: Barbara Hejtmanek

Date: October 24, 2006

CDC Section 340, Exclusive Farm Use District (EFU) is amended to reflect the following:

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340-4.2 Permitted Uses which are subject to Section 340-4.3:

- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 340-4.1 C. - Section 430-33.
- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- C. Primary Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- D. Dwelling Unit in conjunction with a wildlife habitat conservation and management plan pursuant to ORS 215.804 subject to the following standards:
  - (1) A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;
  - (2) Is situated on a lot or parcel existing on November 4, 1993;
  - (3) Qualifies for a farm dwelling under ORS 215.213(2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and
  - (4) Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.
- E. Forest Products, Primary Processing - Section 430-47.
- F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 340-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.
- G. Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

- H. Onsite filming and activities accessory to onsite filming for more than forty-five (45) days - See ORS 215.306 for standards.
- I. Operations for the extraction and bottling of water.
- J. Parking log trucks [no more than seven (7) log trucks] - See ORS 215.311 for standards.
- K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.
- L. Propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission ~~and/or~~ insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- M. Residential home as defined in Section 106-179, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Room and board arrangements, including a bed and breakfast facility, for a maximum of five (5) unrelated persons in an existing dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- O. Solid Waste Disposal Site - Section 430-127.1. This use is not permitted on high-value farmland.
- P. Stockpiling of aggregate, sand and gravel for road maintenance purposes. For required standards see Section 430-132.
- Q. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 340-4.3 if that section was addressed in a prior application. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- R. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- S. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.



CDC Section 344, Agriculture and Forest District (AF-20) is amended to reflect the following:

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344-4.2 Permitted Uses which are subject to Section 344-4.3:

- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 344-4.1 C. - Section 430-33.
- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- C. Primary Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- D. Dwelling Unit in conjunction with a wildlife habitat conservation and management plan pursuant to ORS 215.804 subject to the following standards:
  - (1) A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;
  - (2) Is situated on a lot or parcel existing on November 4, 1993;
  - (3) Qualifies for a farm dwelling under ORS 215.213 (2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and
  - (4) Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.
- E. Forest Products, Primary Processing - Section 430-47.
- F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 344-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.
- G. Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

- H Onsite filming and activities accessory to onsite filming for more than forty-five (45) days - See ORS 215.306 for standards.
- I. Operations for the extraction and bottling of water.
- J. Parking log trucks [no more than seven (7) log trucks] - See ORS 215.311 for standards.
- K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.
- L. Propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission ~~and~~ insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- M. Residential home as defined in Section 106-179, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Room and board arrangements, including a bed and breakfast facility, for a maximum of five (5) unrelated persons in an existing dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- O. Solid Waste Disposal Site - Section 430-127.1. This use is not permitted on high-value farmland.
- P. Stockpiling of aggregate, sand and gravel for road maintenance purposes. For required standards see Section 430-132.
- Q. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 344-4.3 if that section was addressed in a prior application. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- R. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- S. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.

CDC Section 430-77 SPECIAL USE STANDARDS for Manufactured Dwelling Parks is amended to reflect the following:

430-77 Manufactured Dwelling Park

A Manufactured Dwelling Park is a parcel of land under single ownership on which two (2) or more manufactured dwellings are occupied as residences. The manufactured dwelling sites usually are rented. Manufactured Dwelling Parks shall:

- 430-77.1 Meet all the general manufactured dwelling requirements of Section 430-75;
- 430-77.2 Be a minimum of three (3) acres;
- 430-77.3 Shall maintain the density requirement of the underlying district and in no case shall exceed ten (10) units per acre. If the underlying district would otherwise allow more than ten (10) units per acre, any loss of density that occurs as a result of approving a manufactured dwelling park may be transferred. The following relate to transfer of said density:
  - A. Any loss of said density may be transferred to the remainder of the lot or parcel over the required three (3) acres if the park does not occupy an entire site; or
  - B. Any loss of said density may be transferred to any contiguous parcels in the same or higher density district; and
  - C. If a density transfer occurs, the maximum density for the area approved for the park shall be ten (10) units per acre;
- 430-77.4 Require that each manufactured dwelling have a minimum front yard setback of ten (10) feet. The front yard setback shall be measured from the back of the street curb or sidewalk, whichever is closest;
- 430-77.5 Require that each manufactured dwelling have a minimum rear yard and street side yard setback of ten (10) feet and side yard setback of five (5) feet. The street side yard setback shall be measured from the back of the street curb or sidewalk, whichever is closest;
- 430-77.6 Have minimum exterior perimeter setbacks of fifteen (15) feet with planting and screening as required for a Type II buffer (Section 411-6.2);
- 430-77.7 The manufactured dwelling shall meet the requirements of Section 418 (Setbacks);
- 430-77.8 The site plan for the building permit for the manufactured home shall show all door openings; appurtenances, including carports, garages, porches, steps and landings; and accessory buildings;
- 430-77.9 Provide a paved driveway, at least ten (10) feet in width, for each space;

- 430-77.10 Provide a minimum of one (1) paved off street parking place;
- 430-77.11 Provide a minimum of two-hundred-forty (240) cubic feet of detached storage space for each manufactured dwelling space;
- 430-77.12 Allow double carports or garages to serve two adjacent manufactured dwellings;
- 430-77.13 Allow only manufactured dwellings for residences and accessory uses, including home occupations. Recreational vehicles may be placed within a manufactured dwelling park if the following standards are met:
- A. The recreational vehicle must be occupied as a residential dwelling, and
- B. The recreational vehicle must be lawfully connected to:
- (1) a water supply system;
- (2) an electrical supply system; and
- (3) a sewage disposal system.
- Special conditions may be imposed on the placement of recreational vehicles provided such conditions do not impose a limit on the length of occupancy solely on the grounds that the occupancy is in a recreational vehicle.
- 430-77.14 Provide an on-site circulation network including streets and pedestrian facilities in conformance with Section 408 (Neighborhood Circulation) and 409 (Private Streets);
- 430-77.15 Obtain a Mobile Home Park Construction Permit from Washington County;
- 430-77.16 Meet the standards of this Section prior to occupancy;
- 430-77.17 Expansions of existing parks shall meet the standards of this Section;
- 430-77.18 Access to a manufactured dwelling park may be provided through an urban commercial or urban industrial district if no other access is available; and
- 430-77.19 Comply with applicable State requirements, such as requirements for streets, utilities and open space/ recreational areas.